

## 36 CFR 215 Appeals Revision

### Comparison of 1993 Rule to 2003 Rule

The Forest Service revised the 1993 appeal rule for projects to clarify some of the existing provisions and to address improvements suggested by process predicament. The revised rule focuses on encouraging early, frequent, and meaningful public participation during project planning. The following is a detailed, but not all inconclusive list of changes, section by section.

**215.1 Purpose and Scope** This section has several additions: 1) a sentence emphasizing upfront that the public is encouraged to participate early in the planning process and prior to the decision being made; 2) a reference that appeal eligibility rests in part, on having provided substantive comments; and 3) an early reference to a limitation on appeal filing for projects involving applicants and/or holders of Special Use authorizations.

**215.2 Definitions** Ten new definitions are added: address, appeal disposition, **emergency situation**, **lead appellant**, name, National Forest System lands, newspaper of record, projects and activities implementing a land and resource management plan, **substantive** comments and transmittal letter. Three terms were removed because they were no longer applicable: decision document, decision memo, and **interested party**. A fourth term was removed, "proposed timber harvest categorically excluded from documentation under FS Handbook 1909.12, section 31.2, paragraph 4" because the Forest Service no longer uses a timber harvest categorical exclusion of this nature.

#### **Emergency situation**

- 1993 rule addresses threat to human health and safety and natural resources.
- Final rule adds economic factors and threats to adjacent lands.
- *Purpose* -This change broadens the definition of emergency situations to increase the agency's ability to address emergencies impacting forest ecosystems and damaged watersheds resulting from fire, storm, or other events.
- **Lead Appellant**
- 1993 rule did not use this term.
- In the final rule at §215.14 (b) (2) (i) *Appeal Content*, those filing an appeal with more than one individual or organization are asked to identify a lead appellant as defined in §215.2.
- The final rule clarifies that the Appeal Deciding Officer has the authority to appoint the first individual/organization listed if a lead appellant is not identified in the appeal (§215.8(b)(2)(ii)).
- *Purpose* - the FS believes that If individuals and groups meeting appeal eligibility want to join together to appeal, it is better for them to appoint their own representative for the purposes of communications. However, if they do not, provision is made for the ADO to appoint someone to be the lead appellant.

#### **Substantive comments**

- 1993 rule made reference to "comments" and did not describe type of comments.

- The final rule adds the term substantive which is defined as follows: comments that are within the scope of the proposed action, that are specific to the proposed action, that have a direct relationship to the proposed action and that include supporting reasons for the Responsible Official to consider.
- *Purpose* -The intent is to encourage the public to focus comments directly on the project thus raising issues of concern *during* project planning.

#### **Interested party**

- The 1993 rule made provision for interested parties to participate in other parties' appeals.
- The final rule eliminates the formal process for designating interested parties.
- *Purpose* - This proposed change streamlines the cumbersome formal process for interested parties.

**215.3 Actions subject to notice and comment.** **NOTE:** all references to timber harvest CE in the current rule are removed and there are no categorical exclusions that are subject to appeal under this rule.

#### **Change between proposed and final rule.**

Provision is made in paragraph (b) to require a legal notice for projects requiring an EIS. Under the 1993 rule, the CEQ regulations met the requirements for notice and comment on projects for which an EIS is prepared. However, because appeal eligibility requirements and procedures for filing electronic submission are spelled out in the legal notice for projects for which an EA is prepared, it is appropriate to provide the same information to those wishing to comment on projects for which an EIS is prepared.

The paragraph referring to timber harvest CE is removed; paragraph (d) is added to address EA revisions based on new information or changed circumstances; the paragraph referring to proposed actions on NFs without approved Forest Plans is removed; and the phrase “**forestry** research activities” is changed to “research activities”.

**215.4 Actions not subject to notice and comment.** Paragraph (a) of the 1993 rule is removed since projects for which EIS's are prepared, are subject to notice and comment under this rule.

**Categorical Exclusions** - new paragraph (a) states that CEs (projects which are categorically excluded from documentation in an EIS or an EA) are not subject to notice and comment under this rule.

*Rationale:* In drafting the language of the Appeal Reform Act (ARA), Congress did not express a specific intent regarding where the “line should be drawn” regarding which activities would be subject to notice, comment and appeal. While both agency policy in FSH 1909.15 and regulations at 40 CFR 1508.4 made provision for public involvement in categorically excluded actions for many years prior to passage of the ARA, Congress knew that not every decision of the Forest Service was subject to appeal before they passed the ARA. Through the 1993 rulemaking process, the Secretary concluded that the Forest Service’s categorically excluded activities were generally not of the sort that Congress

intended to apply additional notice, comment and appeal requirements given the generally minor potential for environmental effects.

It is clear that Congressional intent was to streamline the appeal process, not entangle the agency in a costly and time-consuming exercise for minor decisions by Forest Service decision makers. Thus, proposed activities that are categorically excluded are exempt from the revised rule. It is important to note that, while projects and activities that the Forest Service categorically excludes are not subject to this rule, nothing in this part exempts them from NEPA. Additional discussion of this subject is included in the Preamble in the response to comments at 215.4.

New paragraph (d) of 215.4 is added to address situations where new information or changed circumstances do not result in an EA revision. The paragraph on non-significant amendments is revised to take into account the applicability of two planning rules (the 1982 and the 2000).

**215.5 Legal notice of proposed action** In this section and throughout the final rule, the terms "notice" and "public notice" are replaced with the term "legal notice" to reflect standard practice and terminology. "Legal notice" means publication in the legal notice section of the newspaper of record.

Changes between the 1993 and final rule from an organizational standpoint and which affect sections 215.5 and 215.6 are:

In the 1993 rule, section 215.5 is titled "Notice and comment on proposed actions" while section 215.6 is called "Response to comments received...".

The final rule separates the "notice of proposed action" portion from the "opportunity to comment" portion and adds the response to comments section to the final rule in section 215.6 titled "Comments on proposed actions".

215.5 is further re-organized to list the Responsible Official's duties for notice and comment on proposed actions in one place.

**215.5(a)(2) Timing for publication of legal notice of 30-day comment period**

- 1993 30-day comment period follows completion of EA.
- Final rule allows Responsible Official to determine the most effective timing for the 30-day comment period.
- *Purpose* - Flexibility with timing of the comment period allows the decision maker to more effectively work with the public through early and meaningful participation. See the discussion section of 215.5 of the Preamble for elaboration on this point.

215.5(a)(6) is added requiring the Responsible Official to identify all substantive comments.

215.5 (b)(1)(i - ix), ***Content of legal notice***. The 1993 rule required 5 items in the legal notice. In the final rule, nine items are required to be included in the legal notice with one additional when emergency situations are involved.

The new required elements include: inclusion of all forms of the Responsible Official's address; the acceptable format for electronic comments; a requirement for each individual or organization listed to either provide a signature or to verify

## 215.5 Legal notice of proposed action cont'd

their identity upon request; a statement that the ability to appeal is tied to timely submission of substantive comments; and inclusion of information about emergency situations.

215.5 (b) (2) (ix) and 215.6 (a) (3) (iv) and (4)(iii) RE: **electronic submission** - provides that the legal notice include the acceptable format(s) for electronic submission and that the commentor is responsible for verification of receipt.

215.5 (b)(1)(viii) and 215.6 (a)(3) (iv) and (4)(iii) – **Verification of identity (requirement upon request)**.

- 1993 rule is silent on requiring verification of identity of the commentor or appellant.
- The final rule requires either a signature or verification of identity for an individual commenter, for each person when there are multiple commenters, for an official representative from an organization, and/or for an official representative for each organization on comments from multiple organizations.
- *Purpose* - Since a potential appellant must have submitted comments during the comment period, it is necessary for the Forest Service to be able to identify who submitted comments and who filed an appeal, in order to process the appeal.
- 
- 

215.5 (b)(1)(iii) **The notice requirements for emergency situations** are moved to this section because the legal notice paragraph is more appropriate here than in 215.10(d) "Implementation of decisions", where it is found in the 1993 rule.

215.5(b)(1)(iv) and 215.5(b)(2)(ii) **provides that the legal notice will not contain the specific date** for the last day to receive comments. Appellant is responsible for computing the time period based on the publication date of legal notice.

- The 1993 requirement is that the public notice for comment include the date the comment period ends.
- Paragraphs (b)(2)(ii) explains how the time period is computed. It describes how the commenter can determine the last day for accepting comments by noting the newspaper date of the legal notice and adding thirty days or forty-five days in the case of EISs. Comments must be sent by the end of the 30th or 45th day.
- *Purpose*- The 1993 requirement that the date be included in the public notice has resulted in problems and confusion for the agency and the public. Under the 1993 rule, the agency employee preparing the legal notice had to estimate the publication date and the date the comment period ends, for inclusion in the notice. However, because publication delays were not uncommon, there were numerous instances of confusion as to the correct deadline for accepting comments.

### 215.5 (b) (1) (vi) **Substantive comments**

- 1993 rule refers to providing comments during the 30-day comment period.

- The final rule requires specific substantive comments on the proposed action and that the comments must be submitted during the 30 or 45-day comment period. The provision for the comments to include supporting reasons that the Responsible Official should consider in reaching a decision remains unchanged.
- *Purpose* -This change helps the public focus their comments directly on the project to provide information to the decision maker on issues of concern *during* project planning.

**215.6 Consideration of comments.** The revised rule deletes the requirement for the Responsible Official to address comments in an Appendix to the environmental assessment. This was removed largely because the proposed change allows the Responsible Official discretion as to the timing of the comment period, i.e. comment period does not have to be after completion of the EA. Though it is still expected that all comments, submitted in accordance with the regulations, will be addressed by the Responsible Official, the manner of dealing with the comments is left up to the Responsible Official.

Language was added to provide for comments on EIS's. This section was re-organized to list all the requirements for a commenter desiring appeal eligibility.

**215.6 (a)(1)(iv) No extension of the comment period.**

- The current regulation does not address extending the comment period.
- Paragraph (a)(iv), which conforms to the language in the Act, explicitly states that the period for the opportunity to comment cannot be extended.
- *Purpose* – not explicitly stating this has resulted in confusion.

**215.6(a)(3)(iv)(v) Multiple commenters: individuals, organizations**

1993 rule did not address this issue.

The final rule provides:

- (iv) (A) For appeals listing multiple organizations or multiple individuals, a signature or other means of verification must be provided for the individual authorized to represent each organization and for each individual in the case of multiple names, to meet appeal eligibility requirements;
- (B) Those using electronic means may submit a scanned signature. Otherwise another means of verifying the identity of the individual or organizational representative may be necessary for electronically submitted comments or comments received by telephone;
- (v) Individual members of an organization must submit their own substantive comments to meet the requirements of appeal eligibility; comments received on behalf of an organization are considered as those of the organization only;

The addition of these paragraphs is intended to address difficulties encountered in implementation of the 1993 rule in regard to who was actually submitting comments when multiple names or organizations were listed on the submission but there was only one signature. Additionally there is nothing in this section that prohibits individual members of an organization from submitting the same or similar comments and from their establishing eligibility to appeal, providing they meet all other requirements.

**215.6 (a)(3)(vi) Oral comments** - Oral comments must be provided at the agency office during normal business hours via telephone or in person, or if non-business hours, must be at an official agency function which is designed to elicit public comment.

**215.6 (a)(4)** was added to clearly list what is considered evidence of timely submission of comments. The final rule adds the following at 215.6(b): The Responsible Official shall

consider all substantive written and oral comments submitted in compliance with paragraph (a).

**215.7 Legal notice of decision.** Similar to the section for legal notice of proposed actions, a paragraph is added here to describe how the time period for accepting appeals is calculated based on the legal publication date. The final rule also states in paragraph (a)(ii) that the date will not be included in the legal notice. A paragraph is added to address timing for implementation in emergency situations.

**No comments or no concerns expressed**

The 1993 rule, at 215.9 ((b)(2), states “Except for decisions on which no expression of interest was received during the comment period (Sec.215.8(4)), state that the decision is subject to appeal pursuant to this part...”.

The final rule at 215.7(a)(3) makes the following provision: When no substantive comments expressing concerns or only supportive comments are received, include a statement indicating that the decision is not subject to appeal pursuant to (215.12).

**215.8 Appeal Deciding Officer’s authority** This section was created by combining former section 215.12 *Where to file appeals* and former section 215.18 *Appeal Deciding Authority*.

**Change between proposed and final rule:**

The Appeal Deciding Officer (ADO) is now the next level supervisor of the Responsible Official; therefore Forest Supervisors are ADO's for District Ranger decisions.

*Rationale* - When the 1993 rule was developed, the Forest Service thought that a more centralized approach would promote efficiency. However, the Appeals Reform Act (ARA) does not require elevating decisions to a central point. This change is in line with other efforts addressing process gridlock. This is discussed in the Preamble for the Final Rule in the proposed section 215.13, *Where to file appeals*.

This section (215.8) incorporates the requirements from §215.12 (1993 rule), adds one level of Responsible Official inadvertently omitted from the 1993 regulation: Chief of the Forest Service, and clarifies that a Station Director is also considered a Responsible Official

Paragraph (b)(1) is rewritten to clarify that the ADO may consolidate appeals and issue one or more appeal decisions, whereas the 1993 rule §215.18 language implies that the only options are one decision for all appellants or separate decisions for each appellant. Paragraph (b)(2) is added to address the situation when appeals with multiple names (organization(s) or individual(s)) are received. Specifically (b)(2)(ii) adds “The Appeal Deciding Officer may appoint the first name listed as the lead appellant to act on behalf of all parties to that appeal, when the appeal does not list a lead appellant.” The 1993 regulations did not address these types of appeals, resulting in inconsistent application of the regulation.

A new paragraph (b)(3)(ii) was added, clarifying that the ADO’s decision can be different from the Appeal Reviewing Officer’s recommendation. This provision was not addressed specifically in the Act but was implied with the use of the term “recommendation.” Paragraph (b)(2)(i) is added to include all forms of the ADO's address.

**215.9 Decision implementation** Final paragraph (c) differentiates between when decisions documented in a Decision Notice (DN) or in a Record of Decision (ROD) can be implemented, which was inadvertently omitted from the 1993 rule at §215.10. This differentiation is necessary to ensure compliance with the Council on Environmental Quality (CEQ) regulations governing final environmental impact statement (FEIS) and ROD timeframes. The 1993 rule listed several examples of potential emergency situations at 215.10, Decision Implementation. These examples were not included in the new section 215.10 Emergency situations, nor were they included in this section, 215.9, of the final rule.

**215.10 Emergency situations** This new section was added to set out procedures for emergency situations in a separate section for clarity and so that they may be located quickly and easily.

- In the 1993 rule, emergency situation determination was made by the Chief.
- The revision allows delegation to Regional Foresters.
- *Purpose* - change is a more efficient way of addressing emergency situation determination requests by allowing the determination to be made at the level of the agency having the most knowledge of the situation.

**215.11 Decisions subject to appeal** Paragraph (b) is added to clarify existing confusion over how to apply this section when considering new information or changed circumstances. Paragraph (c) is added to clarify and address those instances where the Forest Service makes decisions in conjunction with other federal agencies but where only a portion of the decision applies to National Forest System lands. Paragraph (d) is added to provide a limitation on appeals for projects involving applicants and/or holders of Special Use authorizations so that only one appeal process may be used.

**215.12 Decisions and actions not subject to appeal** Paragraph (b) of the final rule is added to address situations involving new information or changed circumstances that do not result in a new decision and make clear that this situation is not subject to appeal. Final paragraph (e)(ii) is added (corresponding to that provided for environmental assessments in proposed paragraph (e)(i)) for situations where no substantive comments or only supportive substantive comments are received during the comment period for a draft environmental impact statement (DEIS), and the Responsible Official's decision does not modify the preferred alternative identified in the DEIS. This was an inadvertent omission in the 1993 rule.

Final paragraph (f), "An amendment, revision or adoption of a land and resource management plans", and final paragraph (h), "concurrences and recommendations to other federal agencies" are added for clarification and to eliminate confusion about what is subject to appeal. Concurrences and recommendations to other federal agencies are not Forest Service decisions, nor do they meet the definition of a Forest Service "project or activity implementing a land and resource management plan". Therefore, they would not be subject to appeal under this rule.

Note: Final paragraph (h) apparently confused some commenters who thought the addition of this paragraph resulted in FERC 4(e) terms and conditions no longer being appealable. However the addition of this paragraph was coincidental with the internal discussion and subsequent letter\* of direction issued to the field which says in part,

**\* 2770 letter from Deputy Chief Thompson to Regional Foresters dated May 12, 2003**

"Effective immediately, notwithstanding current FS manual direction, the FS will rely upon FERC's NEPA analysis to support the FS's 4(e) conditions. ...As noted in our teleconference call of April 23, 2003, the process predicament review has led to a determination that the development of FPA [Federal Power Act] Section 4(e) conditions does not constitute an independent agency action, because the NEPA "action" regarding licensing of the hydroelectric projects is FERC's."

**215.13 Who May appeal** - see also 215.5 (b)(1)(vi) and 215.7(a)(2)(iv)

Throughout this section, procedures for appeals with multiple individuals or organizations are addressed where appropriate. The 1993 regulations are unclear on how to process appeals with multiple names to determine who has standing to appeal, sometimes resulting in inconsistent application across the Forest Service.

**Appeal eligibility**

- Practice under the 1993 rule often was to accept appeals from all who had filed.
- Final 215.13 notes that individuals and organizations who submit written or oral comments during the 30 or 45 day comment period for an environmental assessment or a draft environmental impact statement respectively, may file an appeal.
- *Purpose* – A portion of paragraph 215.11(a)(2) of the 1993 rule is removed to more closely conform to the Act in regard to "who may appeal". The Forest Service believes that a mere "expression of interest", such as that of an individual having no participation in the project planning process, but who requested a copy of the decision, does not meet Congressional intent for who may appeal. This conclusion is based on a reading of those portions of the Act and the Congressional colloquy regarding the appeal process, which make clear that an individual's participation in the statutorily mandated public comment period is required to establish standing to appeal. This intent of this rule change is to encourage early participation in project planning and for participants to bring issues of concern to the Responsible Official in a timely fashion as opposed to waiting until the decision is made to express concerns.

**Other changes:**

§215.5 (b)(1)(vi) under Content of legal notice says "A statement that only those who submit timely and substantive comments will be accepted as appellants."

§215.7(a)(2)(iv) under Legal notice of decision says "A statement indicating that individuals or organizations who submitted substantive comments during the comment period (§215.5) may appeal."

The reference to "interested parties" is removed from the 1993 rule at section 215.11(b). The 1993 provision exceeds the provisions of the Act, which only addresses appellants or those individuals who have participated in the planning process and who have provided comments within the prescribed timeframes.

Final paragraph (d) clarifies that Federal employees filing appeals may not utilize information in their appeal that is not available to the general public under FOIA.



**215.14 Appeal Content** Final paragraph (a) is rewritten with minor changes for terminology consistency and to clarify that the focus of the appeal is providing project or activity-specific evidence and rationale as it relates to the decision. The term “remanded” in the 1993 rule paragraph (a) is removed because it is not used elsewhere in either the current rule or in the Appeal Reform Act language.

Paragraph (c) is added, setting out those instances when an appeal will not be accepted. Specifically this paragraph provides that the ADO will not process an appeal when the appellant's identity cannot be determined. Further it makes clear to those planning to appeal that it is to their benefit to submit all the requested and applicable information.

**Change between proposed and final: Issue preclusion is removed in the final rule.**

The requirement in the proposed rule that any issue raised in an appeal must first have been raised during the comment period (issue preclusion) was removed. Commenters on the proposed rule correctly pointed out that new issues could be raised for EIS's between the DEIS and the FEIS, which they would have no way of predicting, and therefore would not have raised during the comment period. Though the flexibility afforded the Responsible Official would allow for such situations to be appropriately handled with EAs, there is no flexibility on scheduling the comment period for EIS's.

**215.15 Appeal time period and process.** Final paragraph (b) clarifies that all time periods that end on a Saturday, Sunday, or federal holiday shall be extended to the end of the next federal working day, 11:59 p.m.

Final paragraph (c) clarifies how timeliness is determined for various methods of delivery, including e-mail; states that an automated response should be received from the agency when an appeal is electronically mailed, as a verification of receipt; and that should an electronic response not be received, it is the appellant's responsibility to provide evidence that the appeal was sent in a timely manner.

Paragraph (e) rewrites 1993 paragraph §215.13(f)(1) replacing transmit "appeal record" with transmit "decision documentation." The appeal record itself is assembled by the Deciding Officer. Additionally paragraph (e) (1) provides for the Responsible Official to develop and include a list those who submitted substantive comments with the decision documentation. The 1993 paragraph allowing 30 days for the ARO to forward the review recommendation (§215.13(f)(2)) is removed because it was an unnecessary limitation to the process and the Act does not require a specific time period for completion of the review and recommendation.

**215.16 Dismissal of appeal without review** Section 215.15(a)(7) in the 1993 rule, concerning filing for judicial review is removed in accordance with Public Law 103-354, the USDA Reorganization Act of 1993. Paragraph (a)(6) is added “The appellant did not submit substantive comments during the comment period”. Final paragraph (a)(8) is added to provide for dismissal when an appeal does not provide sufficient information per 215.14(b)(6-9). Final paragraph (a)(9) is added to provide for dismissal when an appellant withdraws an appeal and to be consistent with the current rule which provides for dismissal when a responsible official withdraws a decision.

**215.17 Informal disposition** Paragraph (b) is rewritten to clarify that it is the “initial” meeting that must occur within 15 days. This change alleviates the confusion about whether informal resolution must be concluded within 15 days.

Final paragraph (d) is reworded for clarity to describe the various scenarios that may result from informal disposition.

**215.18 Formal review and disposition procedures** Paragraph (b)(1) adds the procedures to use when an appeal decision includes instructions to the Responsible Official. The omission of these procedures in the 1993 rule resulted in confusion about the procedures to follow in such cases.

Paragraph (b)(2) defines the timing for notification of an appellant when no appeal decision will be issued.

Paragraph (c) regarding the Appeal Deciding Officer's (ADO's) decision being the final administrative determination of the Department of Agriculture is moved here. In the 1993 rule it was at §215.18, "Appeal Deciding Officer authority". It is more appropriate in the Formal Review section.

**215.19 Appeal Reviewing Officer's responsibilities** Paragraph (a) of the final rule says "The Appeal Reviewing Officer may be:

(1) designated by the Chief or designee, and shall be a **line** officer at least at the level of the agency official who made the initial decision on the project or activity that is under appeal, who has not participated in the initial decision and will not be responsible for implementation of the initial decision after the appeal is decided."

Paragraph (a) is changed to read "line officer" instead of "officer" to conform to the language in the Act regarding who may be designated as the Appeal Reviewing Officer. Paragraph (b) adds that the ARO's recommendation may not be released until the Appeal decision is issued.

**215.20 Secretary's authority** 1993 regulation is silent on the Secretary's authority. Final rule explicitly states that nothing in the appeal regulation limits the Secretary's authority for making decisions, that those decisions are not subject to 215 and that the Secretary's decision is the final administrative determination of USDA.

USDA's general regulations make it clear that the Secretary and Under Secretary of Agriculture retain authority to make decisions on matters that have been delegated to the Forest Service. Nothing in the ARA alters the Secretary's long-established authority to make decisions affecting the Forest Service. The ARA directed the Secretary to promulgate rules to "establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans . . . and shall modify the procedure for appeals of decisions concerning such projects." Secretarial decisions have never been subject to appeal under any of the Forest Service's administrative appeal systems and there is no indication that Congress intended to work such a change through the ARA. Nothing in this section allows a Responsible Official, Departmental or Forest Service, to avoid any applicable notice and comment requirements; for example, circulating a draft or supplemental EIS for comment (40 CFR 1505.2).

**215.21 Judicial proceedings** It is rewritten to remove the option for waiver since Public Law 103-354, the USDA Reorganization Act of 1993 (7 U.S.C. 6901) supercedes this option.

**215.22 Applicability and effective date** The final rule is effective immediately upon publication in the **Federal Register**, with an exception for the provision to accept electronic comments and appeals (see below). That is, projects or activity decisions for which the legal notice for opportunity to comment is published on or after the date of **Federal Register** publication will be subject to the revised rule.

#### **Transition**

Projects and activities for which legal notice for opportunity to comment is published prior to the effective date of the final rule will be subject to the notice, comment, and appeal procedures of part 215 in effect prior to the date of Federal Register publication. However, effective immediately upon Federal Register publication, the Forest Service will cease to implement the procedures set forth in the interim provisions of the *Heartwood Inc. v. United States Forest Service* settlement agreement discussed in detail in preamble discussion of proposed section 215.4.

#### **Acceptance of electronic comments and appeals**

The final rule provides for a 30-day delay in implementation of the provisions for electronic comments and appeals. Even though the final rule becomes effective immediately, it will take some time to establish electronic mailboxes across the Forest Service to receive electronic comments and appeals.